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R. Lull
Proc. II

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-18P660

DATE: October 3, 1977

MATTER OF: Cloyd Dake Gull Associates, Inc.

DIGEST:

1. Statement of Work did not require, as alleged by protester, that contract product relate to documents currently in agency's collection. Therefore, protest that it would be impossible to prepare an offer without consulting with agency's staff and reviewing the agency's collection is without merit.
2. Protester's argument that agency has no need for item to be procured under protested solicitation is without merit where protester fails to demonstrate that agency has unreasonably exercised its discretion in establishing its minimum needs.

Cloyd Dake Gull and Associates, Inc. (Gull) protests the Federal Energy Administration (a part of the Department of Energy as of October 1, 1977), National Energy Information Center's (FEA) award of a contract under Request For Proposals No. 70C78. According to Gull, the procurement is unfeasible, given the paucity of the information available to offerors, and unnecessary, because the proposed contract's end product may already substantially exist in other formats.

The solicitation requested proposals for a contractor to " * * * develop a Subject Authority [an index of a body of knowledge] based on existing Library of Congress (LC) Subject Headings which will be modified and/or enriched as need be to provide adequate coverage of energy related subjects." The contractor's tasks will be to review existing subject headings for adequacy; to accept or modify the subject headings reviewed; to document modifications; and to establish procedures and criteria for continually updating the Subject Authority.

FEA contends that a firm skilled in information science would have relatively little difficulty preparing a proposal and executing the work statement in the solicitation. Gull

contends, however, that the work statement is too vague; insufficient background information was supplied; the purpose and objective of the solicitation were not defined; no bidders briefing was held; no direct contacts between bidders and the FEA's technical staff was allowed; and no bidder could be expected to make cost estimates under such conditions so as to offer a fixed price. The FEA has responded to these allegations, but in our view the resolution of the questions raised by Gull concerning the solicitation's adequacy turns on the correctness of Gull's interpretation of the scope of work of the intended contract.

Section A of the Statement of Work is as follows:

A. The contractor shall develop a Subject Authority based on existing Library of Congress (LC) Subject Headings which will be modified and/or enriched as need be to provide adequate coverage of energy related subjects. Said Subject Authority will be used in the organization and further development of the NEIC collection." (Emphasis supplied.)


Gull consistently refers to the emphasized portion of the quoted language as the purpose of the solicitation. In our view the underscored language does not indicate to offerors that they must have a thorough knowledge of the books in FEA's NEIC (National Energy Information Center) collection or the NEIC indexing methods in order to prepare an acceptable proposal. In fact, the tasks to be performed (Section B of the Statement of Work) do not refer specifically to the NEIC collection at all. Although the RFP stated that the NEIC collection would be organized and further developed based on the Subject Authority, offerors were not required to base their proposals on the NEIC collection. Rather, as FEA points out, "the subject authority should be applicable to any collection of information within the subject area since it is a tool that provides comprehensive treatment of a subject area rather than a single organizational structure for a specific collection." Consequently, we have no basis for disagreeing with the FEA's view that offerors possessed adequate information regarding the work to be done under the contract.

Gull also maintains that the Subject Authority to be developed under the proposed contract is unnecessary. In response, FEA points out that the Subject Authority is required in order for FEA to carry out its mandate under Section 54(a)(2)

B-188660

of the Energy Conservation and Production Act of 1976, Public Law 94-385. That section requires the FEA, through its Office of Energy Information and Analysis, to " * * insure the coordination and comparability of the energy information in the possession of the Office and other Federal agencies." FEA in its discretion, has determined that the Subject Authority in question is indeed necessary to aid in coordinating energy information in the Government, and the protester has not shown that purchasing the Subject Authority is an unreasonable exercise of FEA's discretion. Keystone Diesel Engine Company, Inc., B-187338, February 23, 1977, 77-1 CPD 128, and cases cited therein.

Accordingly, the protest is denied.


Acting Comptroller General
of the United States